

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION)	
OF THE FUEL ADJUSTMENT CLAUSE OF)	CASE NO. 2013-00448
DUKE ENERGY KENTUCKY, INC. FROM)	
MAY 1, 2013 THROUGH OCTOBER 31, 2013)	

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 28, 2014, Duke Energy Kentucky, Inc. ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission in response to data requests contained in the Commission's February 7, 2014 Order be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question – coal bid analysis and tabulation sheets contained in response to Questions No. 19 and 20 of the data request – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). Movant requests that the coal bid analysis and tabulation sheets remain confidential for a period of ten years. Movant states that public disclosure of the coal bid analysis and tabulation sheets could be used to Movant's competitive disadvantage and that at the end of the ten-year period, the information will no longer be commercially sensitive and public disclosure would not impair Movant's interests.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment are records containing data which are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The coal bid analysis and tabulation sheets for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection from the date of the Order until February 28, 2024, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.

2. The coal bid analysis and tabulation sheets for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection from the date of the Order until February 28, 2024, at which time the materials will be placed in the public record. Movant may request that the materials continue to be treated as confidential but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

3. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400, or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential

treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraph 2.

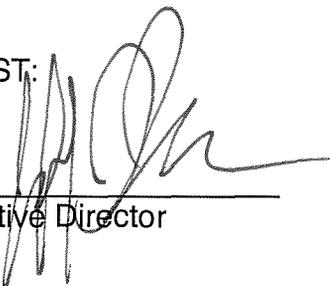
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission

ENTERED 
JUN 03 2014
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST: 

Executive Director

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